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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,934	04/02/1999	RANDY UBILLOS	004860.P2292	4312

7590 09/26/2003

BLAKELY SOLOKOFF TAYLOR AND ZAFMAN
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12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 934
09/285,482

Applicant(s)

Ubillos

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 11, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 29, and 29-39 is/are rejected.
- 7) ☒ Claim(s) 25-28 and 30 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims ~~1-39~~ ^{21-24, 29 and 31-39} are rejected under 35 U.S.C. 103(a) as being unpatentable over Valdez Valdez, Jr. (US Patent No. 6,426,778) in view of Dwyer et al. (US Patent No. 5,706,457).

Regarding claim 1, Valdez, Jr. discloses displaying an edited time based stream of information of a source media (see Abstract); and transferring said edited time based stream to a sequential storage device using an icon (see col. 6, lines 5-40 and col. 7, lines 9-67); however, Valdez fails to explicitly teach wherein said icon represents a function to be performed on said sequential storage device.

Dwyer teaches wherein said icon represents a function to be performed on said sequential storage device (see abstract and col. 4, lines 50-67). It would have been obvious to one of an

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ordinary skill in the art at the time the invention was made to provide icon represents a function to be performed on said sequential storage device as taught by Dwyer to the editing system of Valdez in order to allow images to be accessed randomly, and video can be easily manipulate into any desired sequence where is in media clip video editing system.

Regarding claim 2, Valdez, Jr. discloses editing between said source media and a destination media using a three point edit (see col. 7-8, lines 1-67).

Regarding claim 3, Dwyer discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to a portion of a window, said window having at least one icon; said icon performing a function on said sequential device by default (see col. 5, lines 3-57).

Regarding claim 4, Dwyer discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to said icon, said icon performing said function on said sequential device (see col. 6, lines 21-67).

Regarding claim 5, Valdez, Jr. a discloses wherein transferring said edited time based stream comprises clicking said icon with a cursor control device, said icon performing said function on said sequential device (see col. 19, lines 30-67)

Regarding claim 6, Valdez, Jr. discloses wherein said function is one of an insert edit, an assembly edit and a preview edit (see col. 20, lines 1-64).

Regarding claim 7, Valdez, Jr. discloses black and coding a tape contained in said sequential device (see figures 3A-4).

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Regarding claims 8 and 9, Valdez, Jr. discloses using a timecode indicator to position a playhead of said sequential storage device; and using one of a mark in icon and a mark out icon to position a playhead of said sequential storage device (see col. 21, lines 1-67).

As per claims 10-23 are apparatus claims that corresponds to a method claims 1-9, and thus are rejected for the aforementioned reason.

Regarding claim 24, Dwyer discloses computing device including a first circuitry configured to transfer said edited time based stream to said sequential storage device using said icon (see col. 7, lines 24-54).

Regarding claim 25, Valdez, Jr. discloses a second circuitry configured to perform a three point editing between said source media and a destination media (see figures 4-8).

Regarding claim 29, Valdez discloses a tape having black and code format (see figures 2-4).

As per claims 31-39 are method claims that corresponds to apparatus claims 1-9 and 24-25, and thus are rejected for the aforementioned reason.

Allowable Subject Matter

4. Claims 25-28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park-II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).


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Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
September 18, 2003

